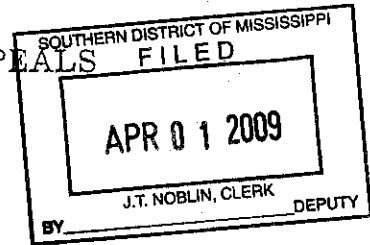


IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 07-60554



JOHN W BARRETT

Petitioner - Appellant

v.

STATE OF MISSISSIPPI

Respondent - Appellee

U.S. COURT OF APPEALS
FILED

MAR 24 2009

CHARLES R. FULBRUGE III
CLERK

Appeal from the United States District Court for the
Southern District of Mississippi at Jackson

ON PETITION FOR REHEARING EN BANC

Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:

(X) No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

() The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

Carolyn Dennis King
United States Circuit Judge

A true copy
Attest:

Clerk, U. S. Court of Appeals, Fifth Circuit

By *[Signature]*
Deputy
New Orleans, Louisiana

MAR 24 2009